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CPB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/172,556      10/14/98      SORENSEN

S      424.83USI1

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PM82/1204

EXAMINER
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NOLAND, K

ART UNIT	PAPER NUMBER
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3651

DATE MAILED:

12/04/00

14

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-65 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 14-31, 42-49 and 50-65 is/are allowed.
- ☒ Claim(s) 1-4, 9, 10, 12, 32, 33 and 39 is/are rejected.
- ☒ Claim(s) 5-8, 11, 13, 34, 36-38, 40 and 41 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948, in Paper No 9.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

2. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al.

Taylor et al discloses the apparatus to effect the method of vending bottled beverages.

The dispenser has inclined shelves 4 or 'queues' and the escapement, device 11, 12 which releases a bottle on an aligned 'robotic' assembly 6 which positions itself adjacent the escapement device to receive a bottle and gently deliver it to the delivery port 2.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 10, 12, 32, 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al in view of Falk et al.

Taylor et al again discloses the apparatus to effect the method of vending bottled beverages. The dispenser has inclined shelves 4 or 'queues' and the escapement, device 11, 12 which releases a bottle on an aligned 'robotic' assembly 6 which positions itself adjacent the escapement device to receive a bottle and gently deliver it to the delivery port 2. To provide Taylor et al's vending

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machine for a transparent view panel would be obvious in view of the teachings of Falk et al's use of the transparent front panel (door) (53) which also is used to display the merchandise (see the abstract).

6. Claims 5-8, 11, 13, 34, 36-38, 40 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 14-31, 42-49 and 50-65 are allowed.

8. Finally, it is noted that there is no claim 35 between claims 34 and 36. Also starting from claim 22 (second occurrence) to claim 24, the claims have been renumbered as claims 23-25, respectively.

Any inquiry concerning this communication should be directed to Examiner K. Noland at telephone number (703) 308-2168.

Noland/ph

November 30, 2000

*Kenneth W. Noland* 12/4/00  
KENNETH W. NOLAND  
PRIMARY EXAMINER  
*A.U. 3651*